IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH JAIPUR

O R D E R

S.B. Civil Second Appeal No.250 Of 2004.

Smt. Sharda Devi Vs. Smt. Santosh Devi & another

Date Of Order ::: 11.12.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. R.K. Agarwal, Counsel for plaintiff-appellant
Mr. B.L. Mandhana, Counsel for defendant-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-appellant filed a suit for declaration and pre-emption, which was dismissed by the learned Lower Court. The judgment and decree passed by the learned Lower Court has been confirmed by the First Appellate Court also.

I have heard the learned counsel for the parties and after considering their submissions in the light of the findings of both the Court below, I find that the controversial issues involved in the present case are relating to the question of facts and there is

a concurrent finding of fact by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.